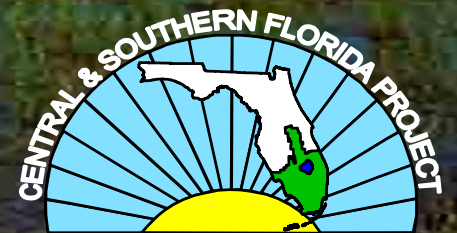


Programmatic Regulations

Joint WRAC - Working Group Meeting

November 1, 2001



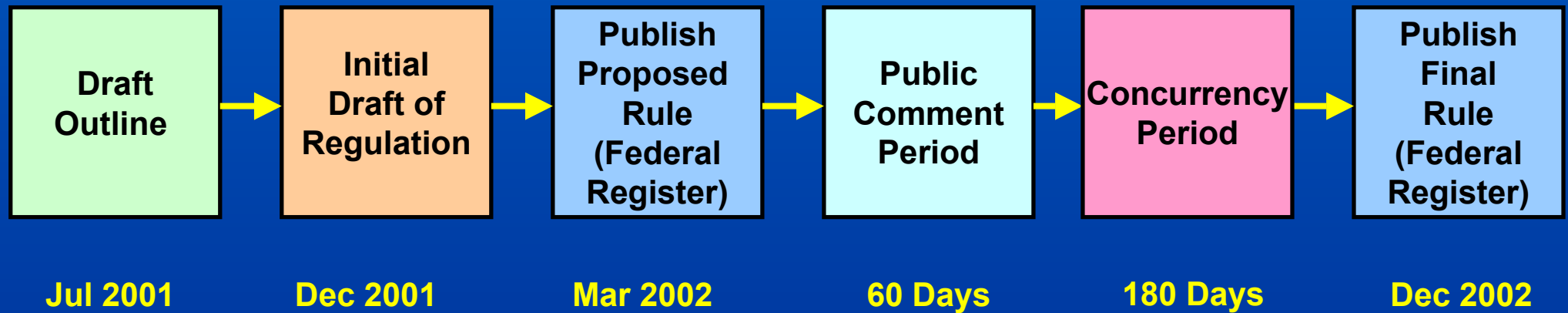
COMPREHENSIVE EVERGLADES
RESTORATION PLAN



Current Status

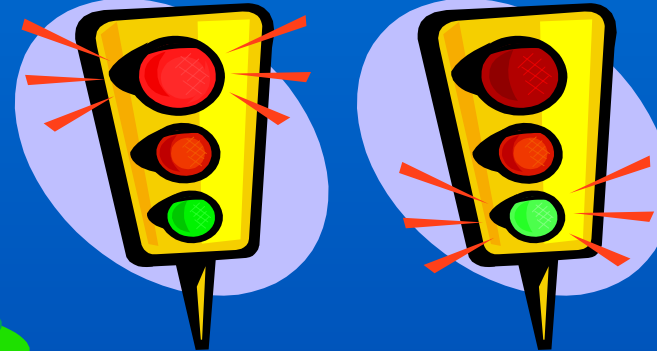
- Revision to development process under consideration
- Drafting of Programmatic Regulations underway
- Initial draft procedure for identifying water to be reserved for the natural system developed

Programmatic Regulations Development Process

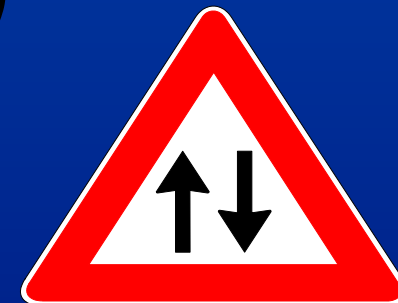
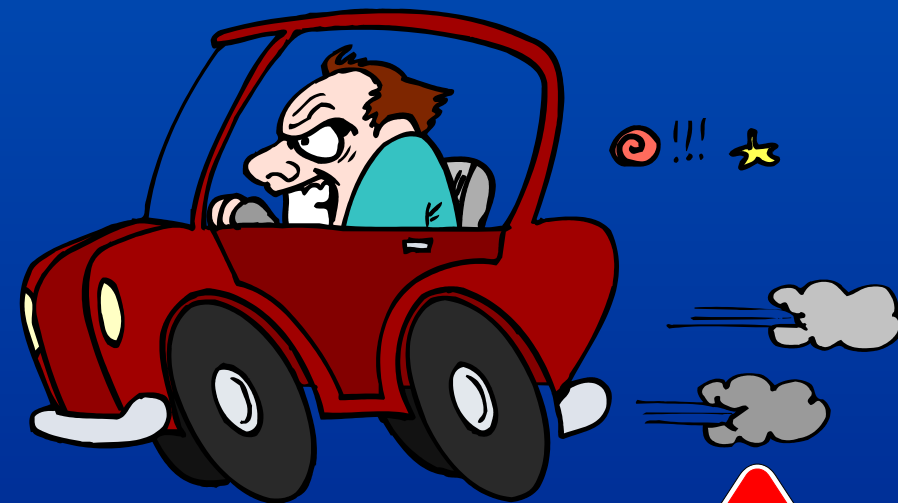
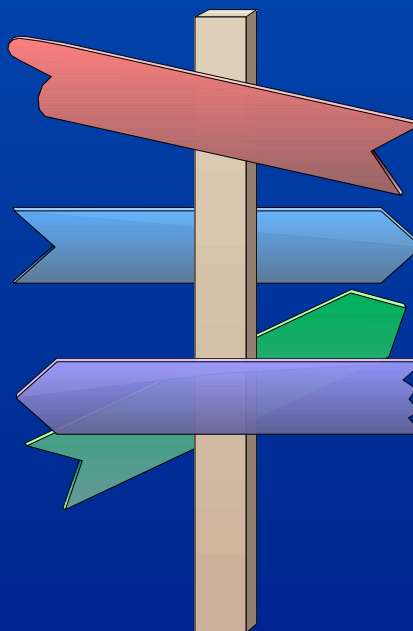
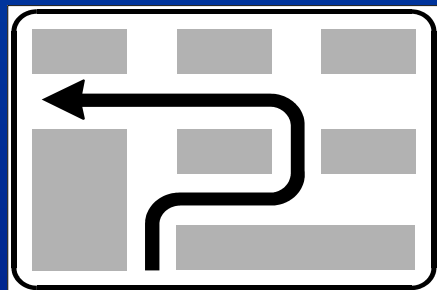


Stakeholders Concerns about Development Process

- Stakeholders believe additional time is needed to discuss and revise preliminary draft before proposed rule is published
- In order to accommodate request:
 - Change Federal Register comment period on proposed rule from 60 to 45 days
 - Obtain agreement to reduce concurrence period from 180 to 120 days



**Programmatic Regulations
are like rules of the road**



Content of Regulations

Establish a Process -

- For development of project implementation reports, project cooperation agreements, and operating manuals that ensure that goals and objectives of the Plan are achieved
- To ensure that new information from changed or unforeseen circumstances, new scientific or technical information or information developed through adaptive management, or future authorized changes to the Plan are integrated into the implementation of the Plan
- To ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means to evaluate success of the Plan

Overview of Draft Regulation

- Preamble
- Purpose and Scope
- CERP Implementation Processes
- Incorporating New Information into the Plan
- Ensuring Protection of the Natural System
Consistent with the Goals and Purposes of the Plan
- Appendices

Processes/Procedures Under Development

- PIR formulation and evaluation procedure
- Process for developing Operating Manuals
- Procedure for identifying water to be reserved for the natural system

Draft Programmatic Regulations

- Preliminary draft scheduled for release in mid-December
- Stakeholder meetings to be held in January 2002

Federal Register

- Programmatic regulations will become part of Code of Federal Regulations (CFR)
- Draft programmatic regulations will be published in Federal Register as a proposed rule
 - Add new Part 385 “Programmatic Regulations for the Comprehensive Everglades Restoration Plan” to Title 33 (Navigation and Navigable Waters)

Agreement between President and Governor

Section 601(h)(2) requires:

“... binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for the project and consistent with the Plan.”

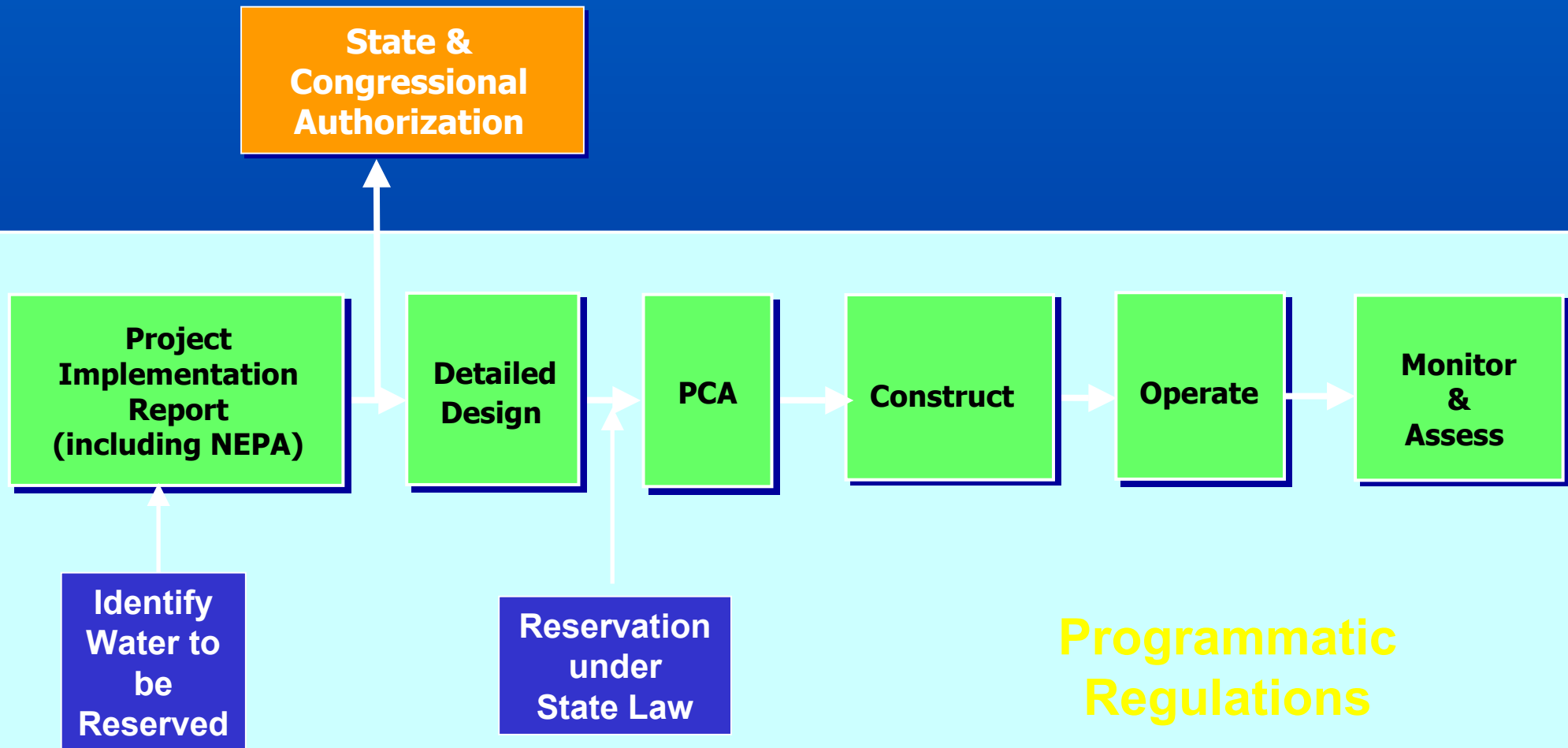
Status of Agreement

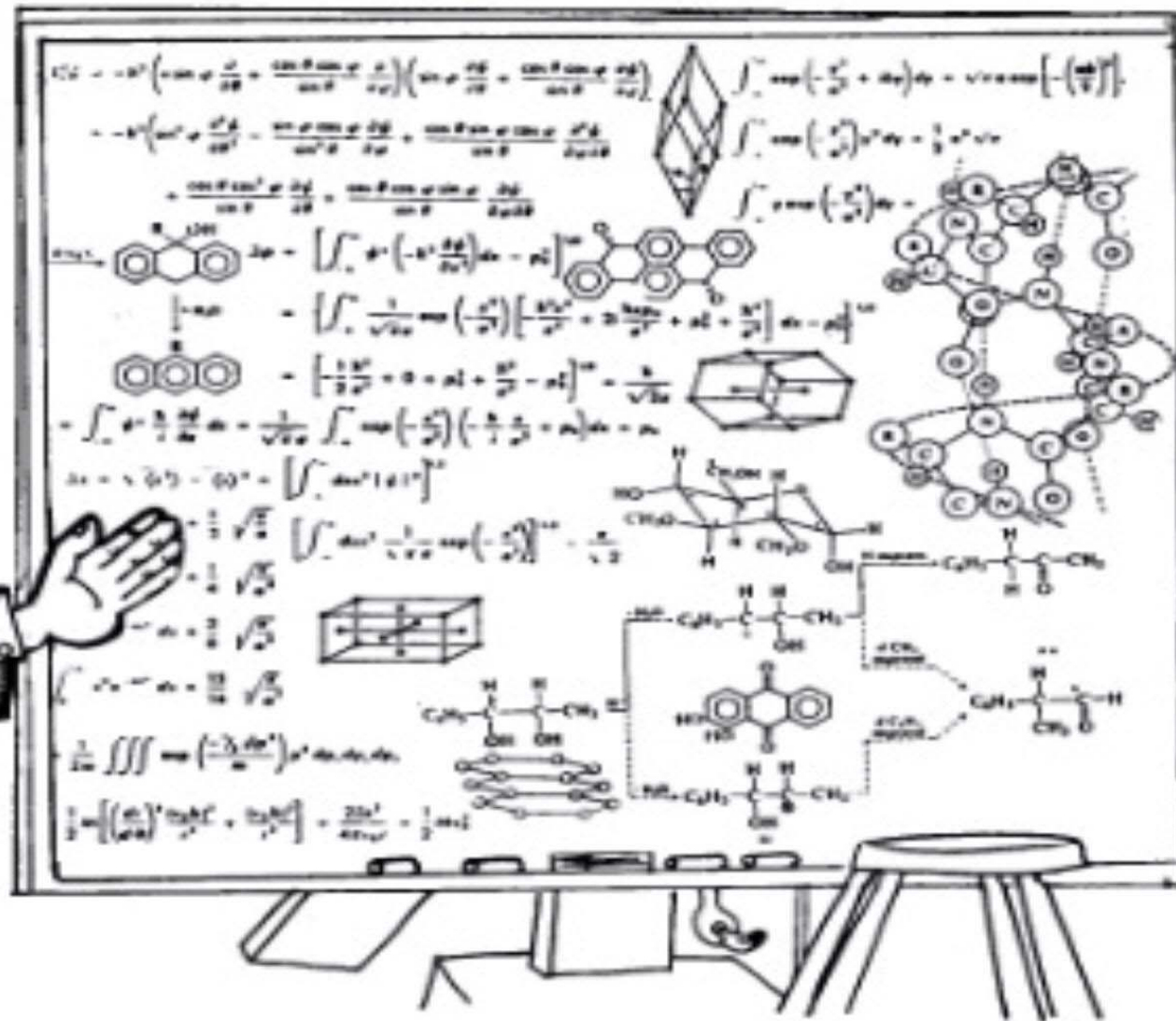
- Discussions held between Army and Governor's Office on agreement
- State currently preparing initial draft of agreement

Project-Specific Assurances

- Project Implementation Reports
 - Identify amount of water to be reserved for natural system under state law
- Project Cooperation Agreements
 - Can not be executed until reservation is executed under state law
- Operating Manuals
 - Must be consistent with water reservation

Project Development Process





STEVE RUSHING

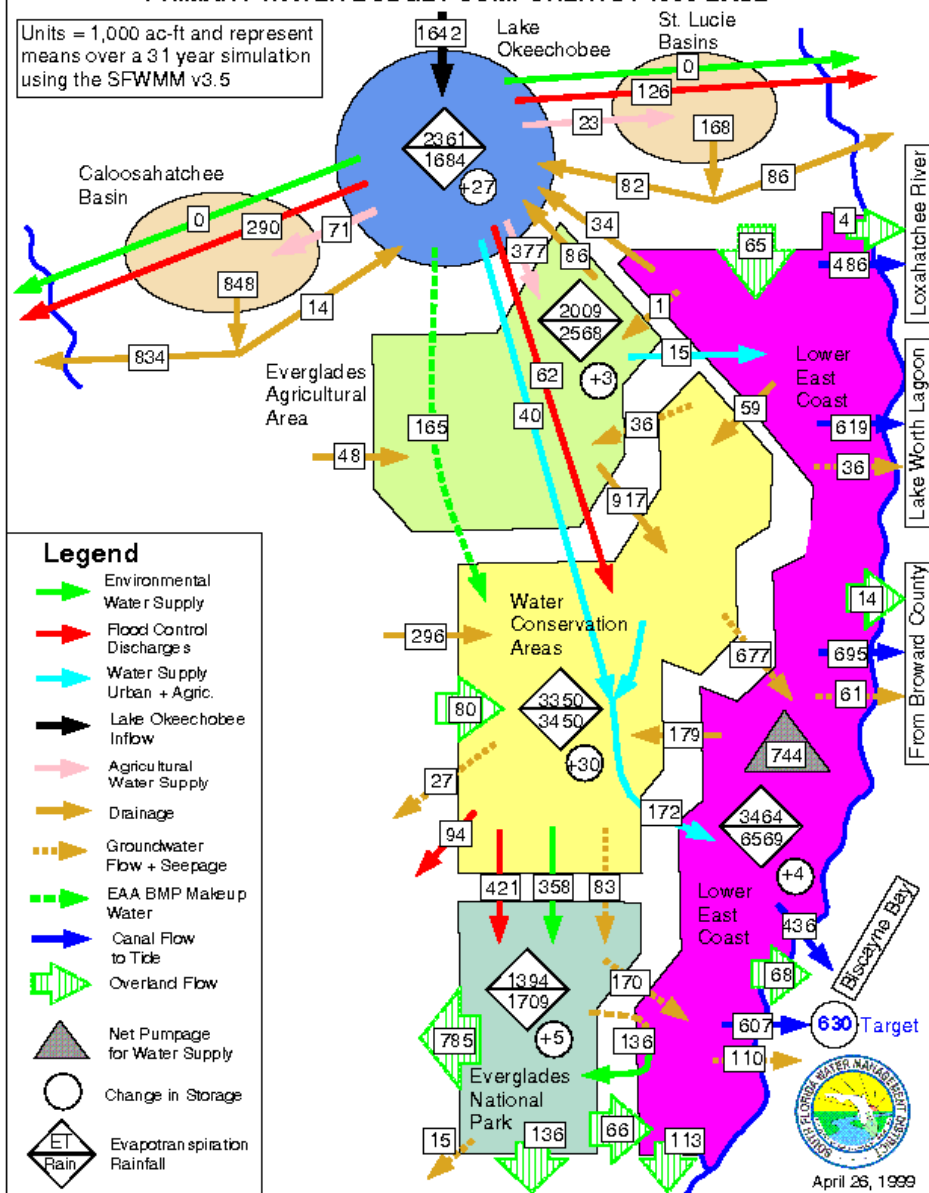
Stu explains how PIRs will quantify water

Identifying Water to be Reserved

- Probabilistic volume-duration approach based on water budget
- System-wide accounting system
- Develop pre-CERP baseline (December 2000)
- Develop with PIR condition (next added increment)
- Compare with PIR condition to baseline to determine water made available

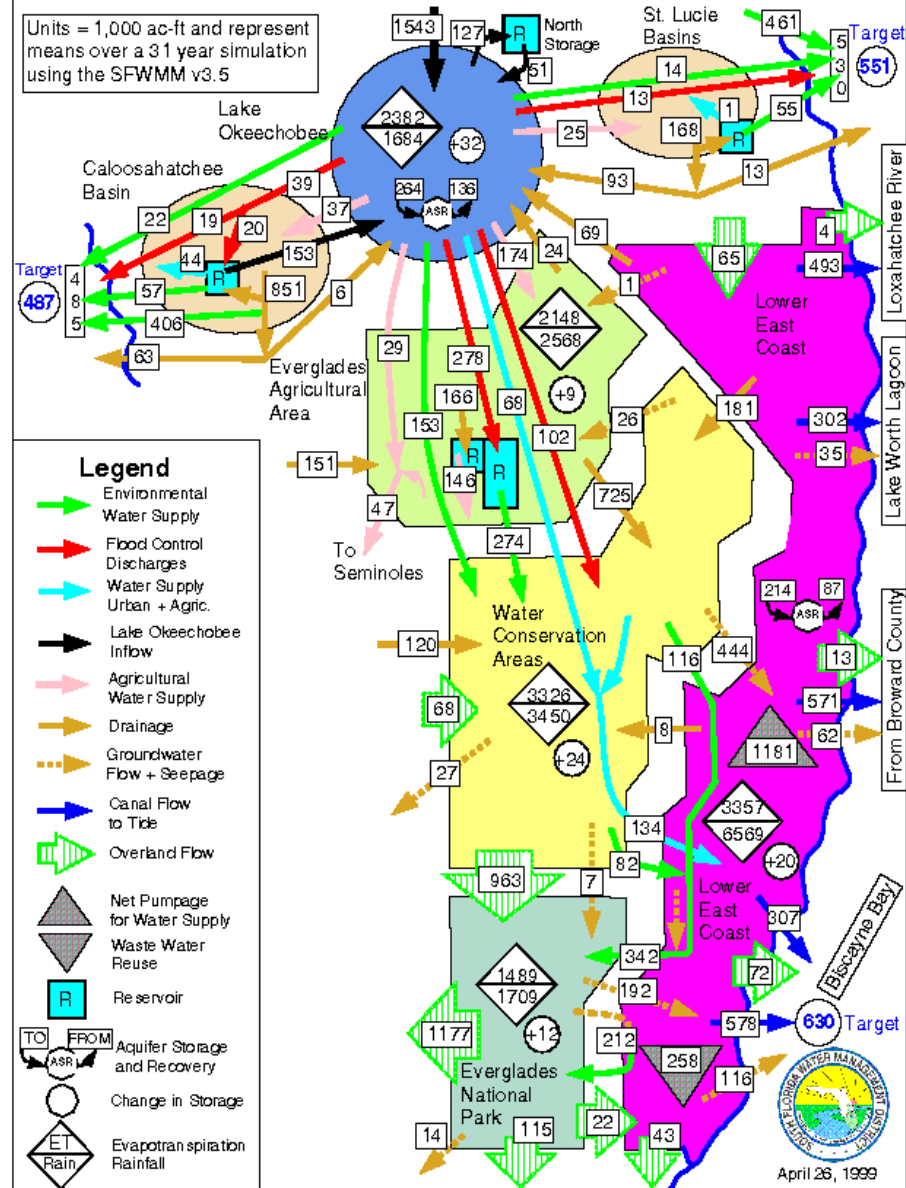
PRIMARY WATER BUDGET COMPONENTS : 1995 BASE

Units = 1,000 ac-ft and represent means over a 31 year simulation using the SFWMM v3.5



PRIMARY WATER BUDGET COMPONENTS : ALTERNATIVE D13R

Units = 1,000 ac-ft and represent means over a 31 year simulation using the SFWMM v3.5





Thank you

Questions?